

Hypocritical officers thumb their noses over fatal shooting

ROSIE
DiMANNO



WHEN the last shooting occurred at an after-hours club, police

expressed their frustration and disappointment with witnesses who refused to co-operate in the investigation.

Cops, quite rightly, held the public — or at least the narrow communities involved — in contempt for thwarting their attempts to solve a crime that resulted in death.

Yet it has been eight days now since Hugh George Dawson was killed by police in what they say should have been a routine drug arrest in Scarborough.

About 30 civilian witnesses have been interviewed by the provincial special investigations unit, which probes all police shootings that result in death or serious injury. None of them saw the need to have a lawyer at their side when they made their statements.

But of the eight officers on the scene Easter Sunday — seven from Metro, one from Waterloo Region — only one, Detective Constable Lorelei McIvor, has seen fit to co-operate with the SIU by submitting to an interview Saturday.

Four of those cops are now classified as "subject officers," which means officers "whose conduct appears to have caused the death or injury being investigated and who may be charged with a criminal offence as a result."

The SIU started with two such officers, in this increasingly bizarre shooting. Five others were originally classified as "witness officers," meaning they were not directly involved in the death, although they were present, and therefore had no legal reason to withhold their notes or to decline an interview with the SIU investigators.

But two of the witness officers were elevated to "subject" status on Saturday, this after the five witness officers finally, belatedly, and after much bitching by their lawyer, reported to SIU headquarters. It should be noted, however, that the change in their status was made by SIU director André Marin solely on the basis of information he had obtained from the police notebooks all five witness officers had provided on Friday. The change in status, Marin stressed yesterday, had *nothing* to do with McIvor's statement.

Because the status of Detective Constables Phil Chan and Albert Flis had changed, those two officers were given back their notebooks — the material therein technically becomes unusable to the SIU — and given the option of declining the interview. They did so. But the other two officers,

Detectives Peter Gibson and Keith Rogers — Metro police have already identified them as the supervisors of the drug squad involved in the shooting — remain merely witness officers. Yet they still refused to be interviewed by the SIU. They showed up on Saturday, all right, but they refused to answer any questions.

And Marin has, thus far, permitted this brazen nose-thumbing of the SIU, although he has the authority to "request" that Chief Dave Boothby issue an order forcing the officers to co-operate. If Boothby refuses the "request," he can himself be reprimanded by the Metro police services board.

"I don't think I'm being generous with these officers," Marin insists. "I can't give orders. I can only make requests. But witness officers don't have the right not to talk to us. And they haven't yet said they won't, eventually. Apparently, no doesn't mean no. Apparently, no means . . . maybe later."

But Marin, who says he doesn't want to get involved in a "pissing contest" with police, promises he won't let this situation fester much longer. In fact, he might wait no longer than today.

Already, these officers have had a week to meet among themselves, which they did, and to otherwise circumvent and thwart the investigation, as if the rules they so rigorously apply to civilians in similar situations do not, for whatever reason, apply to themselves.

Meanwhile, the SIU has yet to even determine the status of the eighth officer, Constable Nicole Shank, of Waterloo Region — the wife of Detective Constable Rick Shank, who along with Detective Constable Rajeev Sukumaran, has been identified by police as firing the shots that killed Dawson — who was inexplicably "along for the ride" Easter Sunday. Is she a witness officer? Is she considered a civilian? Marin has yet to decide. But he did confirm that she has yet to be interviewed.

Eight cops. Only one has talked. Perhaps this is the least helpful "community" of all, when a crime is committed.

Rosie DiManno's column appears Monday, Wednesday and Friday

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